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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO/OAKLAND DIVISION

CLAUDE BRYANT, CRAIG FULCHER,
SANFORD LEVINE and THOMAS
THOMPSON,
on behalf of themselves
and all employees similarly situated,

Plaintiffs,

- vs -

ALDERWOODS GROUP, INC., PAUL A.
HOUSTON, SERVICE CORPORATION
INTERNATIONAL, SCI FUNERAL AND
CEMETERY PURCHASING
COOPERATIVE, INC., SCI EASTERN
MARKET SUPPORT CENTER, L.P., SCI
WESTERN MARKET SUPPORT CENTER,
L.P. a/k/a SCI WESTERN MARKET
SUPPORT CENTER, INC., SCI HOUSTON
MARKET SUPPORT CENTER, L.P, and
JOHN DOES 1-3,

Defendants.

Case No. CV 07-5696 SI

**PLAINTIFFS' ADMINISTRATIVE
MOTION TO CONTINUE CASE
MANAGEMENT CONFERENCE**

1 Additional Attorneys for Plaintiffs, who will
2 submit applications for admission *pro hac vice*:

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1 **NOTICE OF MOTION**

2 TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE THAT Plaintiffs hereby administratively move for an
4 Order continuing the date for the scheduled Initial Case Management Conference in this
5 matter until after the Court's ruling on the motions to remand pending in two related
6 matters pursuant to Local Rule 7-11. This Motion is based on this Administrative Motion,
7 the Declaration of Annette Gifford and Proposed Order filed herewith, all records and files
8 in this case, and the arguments, if any, of counsel.

9
10 **PLAINTIFFS' ADMINISTRATIVE MOTION TO
CONTINUE CONFERENCE**

11 Previously, this Court has ruled that the instant action ("*Bryant I*") is related to two
12 other pending actions, *Helm, et al. v. Alderwoods Group, Inc., et al.*, Case No. 08-1184-SI
13 ("*Helm*") and *Bryant, et al. v. Service Corporation International, et al.*, Case No. 08-1190-
14 SI ("*Bryant II*").

15 Currently, a case management conference in *Bryant I* is scheduled for Monday,
16 April 7, 2008 (the "Conference"). *See Bryant I*, Docket No. 39. On March 18, 2008, this
17 Court issued an Order to Show Cause indicating that the Court intends to consider at the
18 Conference the issue of whether any of the three related matters should be transferred to
19 the Western District of Pennsylvania. *See Bryant I*, Docket No. 37; *Bryant II*, Docket No.
20 32.

21 On March 24, 2008, plaintiffs filed motions to remand both the *Helm* and the
22 *Bryant II* matters to state court. *See Helm*, Docket No. 29¹; *Bryant I*, Docket No. 34.
23 Hearings on both of those motions are currently scheduled for May 9, 2008. *See Helm*,
24 Docket No. 43; *Bryant I*, Docket No. 34. Plaintiffs previously set out the procedural
25 history of these cases in their response to the *sua sponte* referral for determination of
26 relationship of cases in the *Helm* matter. *See Helm*, Docket No. 28.

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28 ¹ This motion was subsequently re-noticed, following the Court's determination that the *Helm* matter is related to *Bryant I* and *Bryant II*. *See Helm*, Docket No. 43.

1 In light of plaintiffs' motions to remand, and in light of the Court's inquiry
2 regarding whether certain matters should be transferred to another District Court, plaintiffs
3 request that the Conference be continued until after this Court's ruling on the motions to
4 remand. The issue of this Court's subject matter jurisdiction over the two state law actions
5 is a threshold issue which must be determined before this Court takes any other action with
6 respect to these cases. Plaintiffs also submit that the any other case management issues
7 that would be addressed at the Conference may be more efficiently addressed only after
8 this Court has determined whether it has subject matter jurisdiction over the *Helm* and
9 *Bryant II* actions.

10 On March 26, 2008, plaintiffs' counsel met and conferred with defendants' counsel
11 by telephone to determine whether the parties could reach a stipulated agreement regarding
12 plaintiffs' requested continuance. At that time, defendants' counsel indicated that
13 defendants will object to plaintiffs' request.

14 The schedule currently set out would be an inefficient use of judicial resources as it
15 would require the Court and the parties to engage in a Conference regarding case
16 management issues prior to the time the Court has determined, by ruling on plaintiffs'
17 pending motions for remand, whether it may exercise subject matter jurisdiction over those
18 matters. Thus, plaintiffs' request is in the interest of judicial economy.

19
20 Respectfully Submitted,

21 ROSEN, BIEN & GALVAN, LLP

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23 Date: March 27, 2008

By: /s/ Lori Rifkin

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